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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,332	10/18/1999	KOHJI SAKAI	0557-4628-2-	3981

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EXAMINER

PHAN, JAMES

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 05/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/421,332

Applicant(s)
Sakai et al

Examiner
James Phan

Art Unit
2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE two MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 19, 2002
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-15 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 10-15 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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DETAILED ACTION

Withdrawal of rejections

1. Upon a further review of the specification of the present application the examiner found, under the summary of the invention, that "A mode of coupling can be a mode for converting light fluxes from light emitting sections coupled to each other to parallel light fluxes, or a mode in which each of light fluxes becomes one having weak converging performance or weak diverging performance (examiner's emphasis)." (column 2, lines 32-37) and that "A lateral magnification ... satisfies the following expression:

$$2 < \beta \leq 8.5 \text{ (column 3, lines 11-15).}$$

From the above teaching, it is clear that without a coupling lens, each of the light fluxes emitted from light emitting sections would enter the first image-formation without being weak converged or weak diverged, and that the disclosed multi-beam optical scanner still would satisfy the above expression. Therefore, one skilled in the relevant art who had read the specification of the '758 patent would identify the subject matter disclosed therein as supporting broader claims, such as claims 1 and 13-15.

For the above reason and in view of applicants' arguments presented in the appeal brief, all rejections under 35 U.S.C. 112, first paragraph, made in the final rejection are withdrawn.

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Specification

2. The objection to the disclosure made in paper no. 15, page 2, paragraph 2, is repeated.

Allowable Subject Matter

3. Claims 1-7 and 10-15 are allowed.
4. The following is an examiner's statement of reasons for allowance: none of the cited references, alone or in combination teaches or fairly suggests the claimed invention having the combined structure, in particular, the range of the lateral magnification, specified in each of claims 1 and 13-15. The cited references disclose substantially all the claimed features except for the claimed lateral magnification range. There is no motivation to modified the cited references so as to meet the claimed invention. Claims 2-7 and 10-12 are dependent claims and thus are allowable for at least the same reason.

Conclusion

5. This application is in condition for allowance except for the following formal matters:

The objection to the specification above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (703) 308-4810. The fax phone number for this Group is (703) 308-7722.

Phan, J.

May 4, 2002


James Phan
Primary Examiner